

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION  
USING AN APPLICATION DATA SHEET (37 CFR 1.76)****Title of Invention****APPLICATION OF AN IONOMER LAYER TO A SUBSTRATE AND  
PRODUCTS RELATED THERETO**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 10/728,720, filed on December 4, 2003,  
☐ as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**Inventor one: Guy EbbrellCitizen of: CanadaSignature: *Guy Ebbrell*Date: 05/04/04Inventor two: John GaffneyCitizen of: United StatesSignature: *John Gaffney*Date: 4/27/04

Inventor three: \_\_\_\_\_

Citizen of: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Inventor four: \_\_\_\_\_

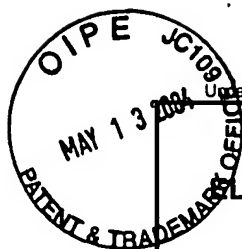
Citizen of: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

☐ Additional inventors or a legal representative are being named on \_\_\_\_\_ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: P.O. Box 1450, Alexandria, VA 22313-1450.



<b>COLLECTION AND POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	<b>Application Number</b>	10/728,720
	<b>Filing Date</b>	December 4, 2003
	<b>First Named Inventor</b>	Guy Ebbrell
	<b>Title</b>	APPLICATION OF AN IONOMER LAYER TO A SUBSTRATE AND PRODUCTS RELATED THERETO
	<b>Art Unit</b>	1762
	<b>Examiner Name</b>	
	<b>Attorney Docket Number</b>	130109.451

I hereby appoint:

☒ Practitioners at Seed IP Law Group PLLC, Customer Number: **00500**

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest I/we hereby elect, under 37 CFR 3.71, to prosecute the application to the exclusion of the inventor(s).**SIGNATURE of Applicant or Assignee of Record**

Name	Noordin S.K. Nanji – Vice-President, Corporate Strategy & Development
Signature	
Date	May 6, 2004
Name	Dave Smith – Chief Financial Officer
Signature	
Date	May 6, 2004

**NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.**

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO/SB/96 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Guy Ebbrell and John GaffneyApplication No./Patent No.: 10/728,720 Filed/Issue Date: December 4, 2003Entitled: APPLICATION OF AN IONOMER LAYER TO A SUBSTRATE AND PRODUCTS  
RELATED THERETOBallard Power Systems Inc.

(Name of Assignee)

a

corporation(Type of Assignee, e.g., corporation, partnership,  
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the  
current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Copies of assignments or other documents in the chain of title noted in B above are  
attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be  
submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records  
of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

May 6, 2004  
DateNoordin S.K. Nanji

Typed or printed name ,

\_\_\_\_\_  
Telephone Number\_\_\_\_\_  
Signature**Vice-President, Corporate Strategy &  
Development**\_\_\_\_\_  
TitleMay 6, 2004  
DateDave Smith

Typed or printed name

\_\_\_\_\_  
Telephone Number\_\_\_\_\_  
Signature**Chief Financial Officer**\_\_\_\_\_  
Title

**COPY**

ASSIGNMENT

WHEREAS, we, **Guy Ebbrell**, having a mailing address of 4256 St. Hubert Street, Montréal, Québec, Canada H2J 2W7; and **John Gaffney**, having a mailing address of 66 Meadowbrook Road, North Chelmsford, Massachusetts 01863 (hereinafter referred to as **ASSIGNORS**), are the joint inventors of an invention entitled "**APPLICATION OF AN IONOMER LAYER TO A SUBSTRATE AND PRODUCTS RELATED THERETO**," as described and claimed in the specification for which an application for United States letters patent was filed on **December 4, 2003** and assigned Application No. **10/728,720**, which application claims the benefit of U.S. Provisional Patent Application No. 60/431,449 filed December 4, 2002;

WHEREAS, **Ballard Power Systems Inc.** (hereinafter referred to as **ASSIGNEE**), a Canadian corporation having a place of business at 4343 North Fraser Way, Burnaby, British Columbia, Canada V5J 5J9, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, **ASSIGNORS** hereby sell, assign and transfer unto said **ASSIGNEE** the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of **ASSIGNEE** and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by **ASSIGNEE** and its successors and assigns as fully and entirely as the same would have been held and enjoyed by **ASSIGNORS** had this assignment, transfer and sale not been made. **ASSIGNORS** hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to **ASSIGNEE**. **ASSIGNORS** agree to execute all instruments and documents required for the making and prosecution of applications for United

**COPY**

GE  
May 4/04  
 Date  
 State of Massachusetts  
 City of \_\_\_\_\_  
 Province of Middlesex  
 County \_\_\_\_\_

Guy Ebbrell  
 Guy Ebbrell

ss.

COPY

I certify that I know or have satisfactory evidence that Guy Ebbrell is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated May 4, 2004  
 Signature of Erin Hennessy  
 Notary Public  
 Printed Name Erin Hennessy  
 My Commission Expires  
 My appointment ~~does not~~ expires November 6, 2009

4/27/04  
 Date  
 State of Massachusetts  
 County of Middlesex  
John Gaffney  
 John Gaffney  
 ss.

I certify that I know or have satisfactory evidence that John Gaffney is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 4-27-04  
 Signature of Erin Hennessy  
 Notary Public  
 Printed Name Erin Hennessy  
 My appointment expires \_\_\_\_\_ My Commission Expires  
 November 6, 2009

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